

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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Atkeen D. Haynes,

Plaintiff,

v.

Williamsburg County Detention Center,

Defendant.

Civil Action No. 3:10-1163-SB

ORDER

This matter is before the Court upon Plaintiff Atkeen Haynes's pro se complaint against the Williamsburg County Detention Center, filed pursuant to 28 U.S.C. § 1983. In his complaint, the Plaintiff alleges that the conditions at the detention center are "nasty" and dangerous.

On June 10, 2010, United States Magistrate Judge Joseph R. McCrory issued a report and recommendation ("R&R") in accordance with 28 U.S.C. § 636(b), recommending that the Court dismiss the Plaintiff's complaint without prejudice and without issuance and service of process for failure to state a claim. Essentially, the Magistrate Judge noted that the named Defendant, the Williamsburg County Detention Center, is not a "person" subject to suit pursuant to 42 U.S.C. § 1983. Attached to the R&R was a notice advising Plaintiff of his right to file written objections to the R&R within fourteen days of being served with a copy of that report. See 28 U.S.C. § 636(b)(1). On June 24, 2010, the Plaintiff filed a letter acknowledging receipt of the R&R and asserting that the Magistrate Judge misread the facts of his complaint. In his letter, the Plaintiff again states that he has been incarcerated for thirteen months and that he has been mistreated by being placed on lock down and because of the "nasty"


living conditions. At the end of his letter, the Plaintiff states that he would "like to sue the Williamsburg County Detention Center for 3 million dollars." (Entry 9 at 2.) Importantly, nowhere in his letter does the Plaintiff respond to or object to the Magistrate Judge's finding that the Williamsburg County Detention Center is not a "person" subject to suit pursuant to section 1983.

Ultimately, after review, the Court agrees with the Magistrate Judge that the Plaintiff's complaint should be dismissed without prejudice and without issuance and service of process for failure to state a claim. As the Magistrate Judge clearly stated, to state a claim pursuant to section 1983, a plaintiff must allege (1) the violation of a constitutional right (2) by a person acting under color of state law. Here, the Williamsburg County Detention Center is not a "person" subject to suit under section 1983, and therefore, the Plaintiff has failed to state a claim.

Therefore, based on the foregoing, it is hereby

ORDERED that the R&R (Entry 7) is adopted; the Plaintiff's objections (Entry 9) are overruled; and the Plaintiff's complaint is dismissed without prejudice and without issuance and service of process for failure to state a claim.

 **AND IT IS SO ORDERED.**


The Honorable Sol Blatt, Jr.
Senior United States District Judge

July 14, 2010
Charleston, South Carolina